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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/072,808	02/07/2002	Charles K. Howard	VHSE-P01-002	3676
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ROPES & GRAY LLP ONE INTERNATIONAL PLACE BOSTON, MA 02110-2624			EXAMINER TWEEL JR, JOHN ALEXANDER	
			ART UNIT	PAPER NUMBER

2636

DATE MAILED: 02/23/2004

Karl Rzeping

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/072,808

Applicant(s)

HOWARD, CHARLES K.

Examiner

John A. Tweel, Jr.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 December 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

1. This Office action is in response to the remarks dated 12/10/03.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. The disclosure is objected to because of the following informalities:
 - Page 3, Line 18: The word --or-- has been misspelled as "ore"
 - Page 8, Line 16: The word --tow-- has been misspelled as "two".
 - Page 10, Line 9: A word such as --to-- is needed before the second occurrence of "step".
 - Page 12, Line 10: There is an extra "is" in this line.
 - Page 12, Line 16: A word such as --is-- is needed before the second occurrence of "restricted".
 - Page 14, Line 23: An extra letter "l" is inserted after "indicate,".
 - Page 15, Line 26: The correct verb to use here is --include-- rather than "includes".
 - Page 17, Line 2: The correct verb to use in this line is --relay--.
 - Page 17, Line 20: The correct verb to use in this line is --process--.
 - Page 17, Line 21: The incorrect word "reason" should be replaced with --reasons--.

Appropriate correction is required.

4. Claims 1-4, 7-14, 16, and 18-22 are rejected under 35 U.S.C. 102(e) as being anticipated by **Jacobs et al** [U.S. 6,195,015].

For claim 1, the system taught by **Jacobs** includes the following claimed subject matter, as noted, 1) the claimed sensor for detecting the presence of a vehicle in a parking space is met by the auto detector (No. 266) having a sonar transducer (No. 74) to detect the presence of a vehicle, 2) the claimed parking meter associated with the parking space is met by the meter (No. 220) configured to receive a payment and including a timer that allots time according to the payment, and 3) the claimed host is met by the RF transceiver system in the specification (Col. 11, Ln. 30-Col. 12, Ln. 63) connected in a wireless communicating relationship with the sensor and in a communicating relationship with the parking meter, the transceiver configured to monitor the sensor and parking meter and to determine when the parking space contains an unauthorized vehicle and to notify an enforcement official of the location of the unauthorized vehicle.

For claim 2, the claimed base station is met by headquarters (Col. 12, Lns. 14-19) for maintaining communications between the sensor and the transceiver system.

For claims 3 and 4, both expired payment and no payment are conditions for which a vehicle is unauthorized.

For claim 7, the RF transceiver system of **Jacobs** is used by enforcement officials for receiving a wireless message of the violation.

For claim 8, the **Jacobs** reference mentions notification of enforcement officials to call for tow trucks (Col. 14, Ln. 58-59).

For claim 9, the system of **Jacobs** is designed to be used with a plurality of parking spaces in a city block; the RF transceiver system is used in conjunction with the electronics stored within the parking meter.

For claim 10, the sensor of **Jacobs** is contained within the parking meter.

For claim 11, the transceiver system of **Jacobs** communicates using a radio frequency (RF) interface.

For claim 12, the system of **Jacobs** uses a card reader (No. 276) for electronic payments.

For claim 13, the system of **Jacobs** is used for a plurality of parking meters situated on a public block.

For claim 14, the system of **Jacobs** includes the following claimed subject matter, as noted, 1) the claimed sensor for detecting the presence of a vehicle is met by the auto detector (No. 266) having a sonar transducer (No. 74) to detect the presence of a vehicle, and 2) the claimed host is met by the RF transceiver system in the specification (Col. 11, Ln. 30-Col. 12, Ln. 63) connected in a wireless communicating relationship with the sensor and in a communicating relationship with the parking meter, the transceiver configured to monitor the sensor and to determine when the parking space contains an unauthorized vehicle and to notify an enforcement official of the location of the unauthorized vehicle.

For claim 16, the method taught by **Jacobs** includes the following claimed steps, as noted, 1) the claimed receiving a first signal from a parking space is achieved using the auto detector (No. 266) having a sonar transducer (No. 74) to detect the presence of a vehicle, 2) the claimed receiving a second signal is achieved using the meter (No. 220) configured to receive a payment and including a timer that allots time according to the payment, and 3) the claimed determining when a parking when a parking violation has occurred is achieved using the timer in said parking meter that determines whether the time for the current payment has expired, and 4) the claimed generating a message to an enforcement official is met by the RF transceiver system in the specification (Col. 11, Ln. 30-Col. 12, Ln. 63) connected in a wireless communicating relationship with the sensor and in a communicating relationship with the parking meter, the transceiver configured to monitor the sensor and parking meter and to determine when the parking space contains an unauthorized vehicle and to notify an enforcement official of the location of the unauthorized vehicle.

For claim 18, the transceiver system used by the enforcement officials of **Jacobs** is a radio frequency (RF) device.

For claim 19, the **Jacobs** reference mentions notification of enforcement officials to call for tow trucks (Col. 14, Ln. 58-59).

For claim 20, the system of **Jacobs** is used for a plurality of parking meters situated on a public block.

For claim 21, the system of **Jacobs** uses a card reader (No. 276) for electronic payments.

For claim 22, the computer program product taught by **Jacobs** includes the following claimed subject matter, as noted, 1) the claimed code for receiving a first signal is used in conjunction with the auto detector (No. 266) having a sonar transducer (No. 74) to detect the presence of a vehicle, 2) the claimed code for receiving a second signal is achieved in conjunction with the meter (No. 220) configured to receive a payment and including a timer that allots time according to the payment, and 3) the claimed code for determining when a parking when a parking violation has occurred is used in conjunction with the timer in said parking meter that determines whether the time for the current payment has expired, and 4) the claimed code for generating a message to an enforcement official is used in conjunction with the RF transceiver system in the specification (Col. 11, Ln. 30-Col. 12, Ln. 63) connected in a wireless communicating relationship with the sensor and in a communicating relationship with the parking meter, the transceiver configured to monitor the sensor and parking meter and to determine when the parking space contains an unauthorized vehicle and to notify an enforcement official of the location of the unauthorized vehicle.

5. Claims 5, 6, 15, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Jacobs et al** in view of **Fujiwara et al** [U.S. 5,266,947].

For claim 5, the system of **Jacobs** includes the claimed subject matter as discussed in the rejection of claim 1 above. However, there is no mention of notifying a payer that a payment for a parking space is about to expire.

The parking data transfer system taught by **Fujiwara** has first and second communications devices. One is fixed in its location whether it is inside of a vehicle or at a parking meter. The other is portable and designed to be carried with the driver to be apprised of the time remaining on their parking meter using a wireless communications method. This alleviates driver apprehension in having to guess when their time in the parking space has expired.

Both references are very similar in that both use wireless communications systems for alerting parking conditions to personnel. The wireless communication systems already in use in Jacobs are useful for transferring information to the appropriate users. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include notification of the driver of remaining time for the purpose of using technology already present in the primary reference to reduce the apprehension and confusion of the driver.

For claim 6, the system of **Fujiwara** uses an electronic paging system.

For claim 15, the system taught by **Jacobs** includes the following claimed subject matter, as noted, 1) the claimed sensor for detecting the presence of a vehicle in a parking space is met by the auto detector (No. 266) having a sonar transducer (No. 74) to detect the presence of a vehicle, 2) the claimed parking meter associated with the parking space is met by the meter (No. 220) configured to receive a payment and including a timer that allots time according to the payment, and 3) the claimed host is met by the RF transceiver system in the specification (Col. 11, Ln. 30-Col. 12, Ln. 63) connected in a wireless communicating relationship with the sensor and in a

communicating relationship with the parking meter, the transceiver configured to monitor the sensor and parking meter. However, there is no mention of notifying a payer when a payment for the vehicle in the parking space is about to expire.

The claim is interpreted and rejected for the same reasons and rationale as is mentioned in the rejection of claim 5 above.

For claim 17, the method of **Jacobs** includes the claimed subject matter as discussed in the rejection of claim 16 above. However, there is no mention of notifying a payer that a payment for a parking space is about to expire.

The claim is interpreted and rejected for the same reasons and rationale as is mentioned in the rejection of claim 5 above.

Response to Arguments

Argument 1:

"Applicant notes that Jacobs fails to teach a system that includes a parking meter with a host wherein the host is connected in wireless communication with a sensor. Applicant notes that Jacobs teaches and describes a parking meter system having a sensor built therein...and having a wireless transceiver that allows the parking meter to establish a wireless communication path with a remote transceiver such as a hand-held receiver unit held by a parking meter enforcement official or a transceiver set up as part of a wireless network. However, Jacobs lacks any description of a wireless communication system that allows a *host* to communicate wirelessly with a *sensor*. In

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contrast, each claim in the pending application explicitly recites a host connected in wireless communicating relationship with a sensor.”

6. Applicant's arguments filed 12/10/03 have been fully considered but they are not persuasive.

Response to Argument 1:

It appears that the claim language contradicts the Applicant's arguments. The reference taught by **Jacobs** may very well have the sensor incorporated into the parking meter, but this does not mean there isn't a wireless communicating relationship between the host and the sensor. The information collected by the host, or remote transceiver in one embodiment, includes data that is gathered or sensed by the sensor indicating the status of the parking space and data collected by the parking meter such as accumulated parking time and expiration data. This is certainly a wireless communicating relationship between the host and sensor, albeit an indirect one. As the claim language recites a “wireless communicating relationship” between the host and sensor and the even more broad “communicating relationship” between the host and parking meter, the above rejection is deemed correct and proper.

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John A. Tweel, Jr. whose telephone number is 703 308 7826. The examiner can normally be reached on M-F 10-6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff Hofsass can be reached on 703 305 4717. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JAT
2/22/04



JOHN TWEEL
PRIMARY EXAMINER